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**JUL 13 2006**

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July 13, 2006

**TO: Examiner Kelly**

**GROUP: 1633**

**FAX NUMBER: 571-273-8300**

**ATTORNEY DOCKET NO.: ABLE-0021**

**SERIAL NO.: 10/088,780**

**FILED: July 22, 2002**

**NUMBER OF PAGE:**

**MESSAGE:** Attached please find Amendment Transmittal Letter; Reply to Notice of Non-Complaint Amendment (37 CFR 1.121); Copy of Non-Complaint Amendment (37 CFR 1.121); and Certificate of Transmission by Facsimile.

**Kathleen A. Tyrrell, Registration No. 38,350**

**URGENT! PLEASE DELIVER IMMEDIATELY  
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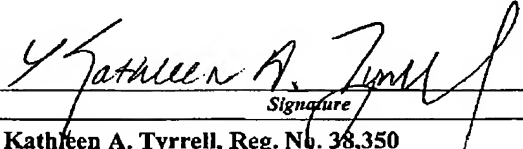
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JUL 13 2006

|   |                                     |                                     |   |                               |                                 |  |
|---|-------------------------------------|-------------------------------------|---|-------------------------------|---------------------------------|--|
| <b>AMENDMENT TRANSMITTAL LETTER (Large Entity)</b>  |                                     |                                     |   |                               | Docket No.<br><b>ABLE-0021</b>  |  |
| Applicant(s): <b>Secombes et al.</b>  |                                     |                                     |   |                               |                                 |  |
| Application No.<br><b>10/088,780</b>  | Filing Date<br><b>July 22, 2002</b> | Examiner<br><b>Kelly, Robert M.</b> | Customer No.<br><b>26259</b>  | Group Art Unit<br><b>1632</b> | Confirmation No.<br><b>9521</b> |  |
| Invention: <b>Monoclonal Antibody 3F1H10 Neutralising VHSV</b>  |                                     |                                     |   |                               |                                 |  |
| <b>COMMISSIONER FOR PATENTS:</b>  |                                     |                                     |   |                               |                                 |  |
| Transmitted herewith is an amendment in the above-identified application.<br>The fee has been calculated and is transmitted as shown below.   |                                     |                                     |   |                               |                                 |  |
| <b>CLAIMS AS AMENDED</b>  |                                     |                                     |   |                               |                                 |  |
|   | CLAIMS REMAINING<br>AFTER AMENDMENT | HIGHEST #<br>PREV. PAID FOR         | NUMBER EXTRA<br>CLAIMS PRESENT  | RATE                          | ADDITIONAL<br>FEE               |  |
| TOTAL CLAIMS  | 15 -                                | 20 =                                | 0   | x \$50.00                     | \$0.00                          |  |
| INDEP. CLAIMS   | 2 -                                 | 3 =                                 | 0   | x \$200.00                    | \$0.00                          |  |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/>  |                                     |                                     |   |                               | \$0.00                          |  |
| <b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b>  |                                     |                                     |   |                               | <b>\$0.00</b>                   |  |
| <input type="checkbox"/> No additional fee is required for amendment.<br><input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____<br><input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed.<br><input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account <b>50-1619</b><br><input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16.<br><input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.<br><input checked="" type="checkbox"/> Payment by credit card. Form PTO-2038.<br><b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b> |                                     |                                     |   |                               |                                 |  |
| <br>Signature<br><b>Kathleen A. Tyrrell, Reg. No. 38,350</b>   |                                     |                                     | Dated: <b>July 13, 2006</b><br><br><div style="border: 1px solid black; padding: 5px;">             I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on<br/><br/>             _____<br/>             (Date)<br/><br/>             _____<br/>             Signature of Person Mailing Correspondence<br/><br/>             _____<br/>             Typed or Printed Name of Person Mailing Correspondence           </div> |                               |                                 |  |
| CC:   |                                     |                                     |   |                               |                                 |  |

P11LARGE/REV09

JUL 13 2006

**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

Application No.

10/088,780

Examiner

Robert M. Kelly

Applicant(s)

SECOMBES ET AL.

Art Unit

1633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 05 April 2006 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

**THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:**

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: See Continuation Sheet.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

- Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
- Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable

Telephone No.

U.S. Patent and Trademark Office

Part of Paper No. 20060530

07/13/06 13:17 FAX 8568101454

LICATA & TYRRELL

014

Continuation Sheet (PTOL-324)  
PTOL-324 (01-06)

Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.

Continuation Sheet (PTOL-324)

Application No. 10/088,780

Continuation of 4(e) Other: Claims are improperly marked with regard to the amendments, from the previously presented version of the claims. For example, Claim 68 cancels terminology of "an antibody raised against a disease causing virus", while the previous terminology of the amendment of 6/21/05 stated "antibody molecule derived from an antibody raised against a disease-causing virus" for the same limitation. Applicant is also advised to carefully review all the claims to determine whether or not they are properly marked, in order to avoid further notices of non-compliant amendments.